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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 MELANIE PROCTOR,

11
12 Plaintiff,

13 vs.

14 STATE FARM MUTUAL AUTOMOBILE
15 INSURANCE COMPANY, a foreign
16 corporation; and DOES I-V,
17 Defendants.

CASE NO.: 3:21-cv-00151-LRH-CLB

**STIPULATION AND ORDER FOR
REMAND TO STATE COURT,
DISMISSAL OF EXTRA-
CONTRACTUAL CLAIMS, AND
CAPPING ALL DAMAGES AT
\$75,000.**

18 Plaintiff, Melanie Proctor, by and through her counsel of record, Kilpatrick & Bullentini,
19 and Defendant, State Farm Mutual Automobile Insurance Company, by and through its counsel
20 of record, Hall Jaffe & Clayton, LLP, hereby enter into this Stipulation and Order for Remand
21 to State Court, Dismissal of Extra-Contractual Claims, and Capping All Damages at \$75,000.00
22 as follows:

23 1. On February 19, 2021, Plaintiff filed the instant lawsuit styled *Melanie Proctor,*
24 *Plaintiff, v. State Farm Mutual Automobile Insurance Company, Defendant,* Case No. 21 TRT
25 00011 1B, in the First Judicial District Court, Carson City, Nevada.

26 2. On April 1, 2021, Defendant removed this case to the United States District
27 Court, District of Nevada, Case No. 3:21- cv-00151-LRH-CLB.
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1 3. Plaintiff has agreed to dismiss with prejudice any extra-contractual claims (e.g.,
2 bad faith, breach of the implied covenant of good faith and fair dealing, unfair settlement
3 practices, punitive damages, etc.) against State Farm arising out of or relating to the August 20,
4 2019, automobile accident. Plaintiff has agreed to pursue only a claim for recovery of UIM
5 contractual benefits potentially available under the policy.

6 4. In exchange for Plaintiff's agreement to a cap/limit any and all damages she may
7 recover against State Farm to \$75,000.00, State Farm has agreed to allow this case to be
8 remanded from the U.S. District Court, District of Nevada, to the First Judicial District Court,
9 Carson City, where it was originally filed for further proceedings.

10 5. Except as otherwise stated herein, all of the parties' other claims and defenses
11 remain in force and in effect despite the remand to state court.

12 6. Once remanded, the parties will exercise best efforts to place this case on the
13 state court's docket and move the case forward in its ordinary course.

14 Dated this 10th day of May, 2021.

Dated this 10th day of May, 2021

15 HALL JAFFE & CLAYTON, LLP

KILPATRICK & BULLENTINI

16 /s/ Riley A. Clayton

/s/ Adam Woodrum

17 _____
18 RILEY CLAYTON
19 Nevada Bar No. 5260
20 7425 Peak Dr.
21 Las Vegas, Nevada 89128
22 Attorney for Defendant

ADAM WOODRUM
Nevada Bar No. 10284
412 No. Division Street
Carson City, Nevada 89703
Attorney for Plaintiff

23 **ORDER**

24 **IT IS SO ORDERED.**

25 DATED this 11th day of May, 2021.

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27 _____
28 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE